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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/996,863	12/23/97	PHILLIPS	J 476-1471

LM02/0303

EXAMINER

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ART UNIT PAPER NUMBER

2749

*10*

DATE MAILED:

03/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 08/996,863	Applicant(s) Phillips
Examiner Meless Zewdu	Group Art Unit 2749



Responsive to communication(s) filed on Dec 10, 1999

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 3, 4, and 6-12 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 3, 4, and 6-12 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the communication filed on 12/10/1999.
2. Claims 1-2 and 5 have been canceled.
3. Claims 9-12 are new claims.
4. Claims 3-4 and 6-12 are pending in this action.
5. Applicant's arguments with respect to claims 3-4 and 6-12 have been fully considered but are moot in view of the new ground(s) of rejection.
6. This action is final.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 3, and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Barnes et al. (US Patent 4,829,554)..

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**As per claim 11:** a cellular mobile communications network adapted to serve mobile terminals having different operating protocols so as to provide roaming facilities for those terminals, the network including a plurality of multimode base stations controlled via a base station controller and each comprising:

a plurality of protocol dedicated control units reads on '554 (see col 4, lines 13-27, 45-50).

a soft radio unit coupled an antenna and arranged to function as a slave in both transmit and receive modes under the control of a selected one of said control units reads on '554 (see fig 1, element 26; col. 5, lines 3-13). The soft radio units/ radio interface modules RIM), in the base station/ cell station (fig. 1, element 26) are shown coupled with an antenna to transmit and receive signals and are able to download operation protocol from the base station controller/central control station (fig. 1, element 20).

means for relaying a mobile terminal request for service to the base station controller reads on 554 (see fig. 1, elements 28A, 26 and 32; col. 9, lines 4-7; col. 5, lines 52-62).

selection means for selecting one of said control units in response to a command received from the base station controller reads on 554 (see col. 4, lines 45-50; col. 5, lines 5-13).

wherein said base station controller has means for determining, from a said mobile terminal request for service, the one of said different operating protocols to be associated with that terminal reads on '554 (see lines 13-27).

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means for downloading, from a store associated with the base station controller, software operating instructions corresponding to the determined protocol so as to operate the base station controller in conformity with that protocol reads on '544 (see col. 4, lines 45-50; col. 5, lines 5-13).

means for sending said command signal to the base station from which the request has been relayed so as to perform said controller unit selection at that base station and thereby establish communication with the mobile terminal reads on '544 (see col. 5, lines 35-51; col. 6, lines 45-52).

**As per claims 9-10 and 12:** refer to claim 11.

**As per claim 3:**

a network wherein each said base station comprises a soft radio unit for providing radio communication to said terminals, operating means, one for each said operating protocol, and means for selectively enabling a said one of said operating means so as to operate the base station in conformity with that operating protocol reads on '544 (see col. 4, lines 13-27, 45-50).

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***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 6 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al. in view of Nounin et al. (US Patent 5,802,469).

**As per claim 4:** although Barnes et al. teaches about the use of protocol by the mobile unit (fig. 1, element 32), he does not explicitly teach about “a network wherein at least some of said mobile terminals have means for downloading of operating instructions from the network.” In other words, he does not teach explicitly say whether the instruction protocol in the mobile station is one already stored in the mobile station or one downloaded from the network.

However, Nounin et al., in a related field of endeavor discloses a mobile terminal that has a dedicated down-link communication channel for getting the necessary communications protocol from a network wherein the radio terminal, using the received protocols, exchange data with that network (see col. 3, lines 4-43).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to replace Barnes et al.’s mobile station with that of Nounin et al.’s radio terminal so that the user of Barnes et al.’s mobile telephone would have the benefit of

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communicating through a plurality of communications networks by acquiring the necessary communications protocol on the dedicated down-link channel.

**As per claim 6:**

a method wherein the operating protocol employed by the mobile terminal requesting service is determined from the frequency of radio transmissions from the terminal reads on '469 (see col.3, line 44-col 4, line 16).

**As per claim 7:** refer to claim 6.

**As per claim 8:**

a method wherein a said operating protocol is determined by negotiation between the network and a said mobile terminal reads on '469 (see col. 3, lines 44-64).

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***Claim Objections***

11. Claim 11 is objected to because of the following informalities: the phrase, base station has been written twice (see line 8). Appropriate correction is required.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Molne (US Patent 6,014,561),

Lee et al. (US Patent 5,361,294),

Sage et al. (US Patent 5,781,582),

Korpela (US Patent 5,946,634),

Dent (US Patent 5,663,957),

Hamalainen et al. (US Patent 5,802,465),

Malackowskin et al. (US Patent 5,867,780).

Kolev et al. (US Patent 5,884,168),

Anderson et al. (US Patent 5,818,820),

Dutta et al. (US Patent 5,953,319)

Dao et al. (US Patent 5,915,207).

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13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless Zewdu whose telephone number is (703)306-5418. The examiner can normally be reached on week days from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached at (703)308-6732.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

Or faxed to:

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(703)308-6306 or (703)305-9508.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Six Floor (Receptionist).

Any inquiry of a general nature or related to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703)305-3900.

Meless Zewdu *M. Z.*

February 17, 2000.



DANIEL S. HUNTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700